

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**MEMORANDUM AND ORDER
Crim. File No. 04-477(MJD/RLE)**

ROLAND GENE ROY,

Defendant.

David M. Genrich, Assistant United States Attorney, Counsel for Plaintiff.

Scott F. Tilson and Katherine Menedez, Federal Public Defenders, Counsel for Defendant.

Before the Court is the Government's oral motion to admit the nature of Defendant's underlying conviction. The Court has considered the oral arguments of both Parties, and now denies the Government's motion.

Accordingly, **IT IS HEREBY ORDERED:**

(1) The Government's oral motion to admit the nature of Defendant's underlying conviction is **DENIED**; and

(2) Defense Counsel is prohibited from mentioning the date of Defendant's felony conviction in front of the jury. Defense Counsel may not mention in closing arguments that Defendant's prior felony conviction is old.

DATED: February 21, 2006

s/ Michael J. Davis
Michael J. Davis
United States District Court